

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5534 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LAXMAN A HARWARIA

Versus

KARALA STATE COIR CORPORATION LTD.

Appearance:

M/S TRIVEDI & GUPTA for Petitioner
MR PV HATHI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/04/99

ORAL JUDGEMENT

1. The petitioner a peon-cum-stitcher working at the show room at Ahmedabad of Kerala State Coir Corporation, by this special civil application challenges the order under which he has been transferred temporarily from Ahmedabad to Jaipur. On his representation made to the

Managing Director of the Corporation, the Manager, under his order dated 3/11/97 transferring him to Jaipur was ordered to be kept pending for time being. In view of this fact, now nothing substantial survives in this special civil application. The petitioner's order of the transfer has been kept in abeyance. So, there is no question of setting aside of the same by this court.

2. The learned counsel for the petitioner submits that this matter may be decided on merits as the order of the transfer of the petitioner from Ahmedabad to Jaipur has been kept pending for time being. There is all possibility, what the learned counsel for the petitioner submits that immediately after dismissal of this special civil application, the order impugned therein may be given effect to. Nothing can be said what the respondent would do in future at this stage.

3. Only on this apprehension this court did not consider it to be a fit case where in view of the order of the Managing Director dated 3/11/97 to go on and adjudicate upon the validity and propriety of the order impugned in this special civil application.

4. In view of the order of the Managing Director dated 3/11/97 this petition has become infructuous and accordingly the same is dismissed. Interim relief, if any granted by this court stands vacated.

Rule discharged. However, liberty is granted to the petitioner for the revival of this special civil application in case of difficulty.

(S.K.Keshote, J.)

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